

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

April 15, 2009

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERALD ROBEY BROWN,

Defendant - Appellant.

No. 08-6280
(D.C. No. 5-98-CR-00149-M-1)

ORDER

Before **O'BRIEN**, **McCONNELL**, and **TYMKOVICH**, Circuit Judges.

This matter comes on for consideration of the defendant's unopposed motion to dismiss based on mootness. Upon consideration thereof, the motion is **GRANTED**.

The defendant appeals the revocation of supervised release and the 9-month sentence imposed. The defendant, however, has served the sentence and has been released.

Accordingly, this appeal is moot. *See United States v. Meyers*, 200 F.3d 715, 722 (10th Cir. 2000) (holding "that when a defendant appeals the revocation

of his supervised release and resulting imprisonment and has completed that term of imprisonment, the potential impact of the revocation order and sentence on possible later sentencing proceedings does not constitute a sufficient collateral consequence to defeat mootness.”) (relying on *Spencer v. Kemna*, 523 U.S. 1 (1998)).

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter
Deputy Clerk/Jurisdictional Attorney